

AN ORDINANCE

2007-05-31-0602

AUTHORIZING THE ACCEPTANCE OF AN OFFER FROM FREIGHTLINER OF SAN ANTONIO, LTD. TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH FIFTEEN (15) AUTOMATED REFUSE COLLECTION TRUCKS POWERED BY COMPRESSED NATURAL GAS FOR A COST OF \$3,782,505.00.

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WHEREAS, the City of San Antonio ("City") issued Invitation for Bid No. 07-080DG soliciting offers to supply the City with automated refuse collection trucks fueled by compressed natural gas ("CNG"), a cleaner burning fuel, to be used in the collection and disposition of refuse generated by the City's residents; and

WHEREAS, the City recognizes that the prompt, efficient, and careful removal of refuse is necessary to maintain sanitary conditions to preserve and protect the health and safety of the City's residents; and

WHEREAS, the City recognizes that there are significant differences in equipment that contribute to the safe and efficient operation of refuse collection operations, and that cleaner burning fuel provides cleaner air, which also impacts the health and safety of the City's residents; and

WHEREAS, the City recognizes that it has the option and has reserved to itself the right to award a contract for the purchase of refuse collection vehicles to the lowest responsive bidder, the bidder providing the best value to the City, or based on the health and safety exemption to competitive bidding found in Texas Local Government Code Section 252.022(a)(2) [See Page 11, Paragraph 8, line 5 from top, Formal Invitation for Bids]; and

WHEREAS, offers were submitted to provide the City with 60 automated refuse collection trucks, with the City having the option to increase or decrease quantities, and with the option to purchase an additional 60 vehicles subject to additional action and funding by the San Antonio City Council; and

WHEREAS, the City wishes to purchase 15 CNG powered vehicles at this time; and

WHEREAS, the purchase of trucks powered by CNG is contingent upon certification by the U.S. Environmental Protection Agency ("EPA") of the engines for meeting compliance with year 2010 NOx (nitrogen oxide) emissions standards within a certain timeframe, and is further contingent upon City Council passing an ordinance authorizing the construction of a CNG fueling station that can be completed within a certain timeframe; and

WHEREAS, the City requested trucks for evaluation from the parties submitting offers; and

WHEREAS, trucks were evaluated to determine whether they met the City's specifications and requirements, including, but not limited to the following: arm cycle time, arm reach, gripper open width, automatic lifts and set down of cart by arm, grip of cart by arm, and compaction of load, ergonomics, visibility, safety and comfort, all of which effect the efficiency and safety of the operation, ultimately impacting refuse collection efforts overall; and

WHEREAS, of the trucks submitted, neither the Bridgeport nor the Wayne body met all of the City's specifications; and

WHEREAS, of the trucks submitted for testing, the Condor cab and chassis with the Heil Body and Durapak Python arm, demonstrated by Freightliner of San Antonio, Ltd ("Freightliner"), was determined to be the least expensive of the models offered that met the City's specifications and requirements, and best suited the City's needs, providing the overall best value to the City; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby finds and determines that this procurement authorized by this Ordinance is subject to the "health and safety" exception established by and provided for in §252.022(a)(2) of the Texas Local Government Code, in that the acquisition of the refuse collection vehicles is necessary to preserve and protect the health and safety of the residents of the City by providing for (i) collection and disposal of garbage and other refuse in an efficient, safe, timely and orderly manner; (ii) prevention of accumulation of garbage and other refuse throughout the City; (iii) prevention of the infestation of rats, vermin, and other pests and public health threats throughout the City resulting from such accumulation; and (iv) prevention of the spread of diseases resulting from (ii) and (iii) above.

SECTION 2. The City Council hereby finds that the Condor cab and chassis with the Heil Body and Durapak Python arm, with the fuel tank on top of the body, meets the City's specifications and requirements, is best suited to the City's needs, and provides the overall best value to the City.

SECTION 3. The low, responsive bid of Freightliner of San Antonio, Ltd to provide the City of San Antonio with 45 automated, diesel powered, refuse collection trucks for a total cost of \$3,782,505.00 is hereby accepted, subject to and contingent upon the deposit of all required bonds, performance deposits, insurance certificates and endorsements, and subject to execution of a lease purchase agreement or other financial obligations. A copy of the contract and bid tabulation sheet are attached hereto and incorporated herein for all purposes as Exhibit I. The City Manager, her designee, or the Director of Environmental Services are hereby authorized to execute said contract.

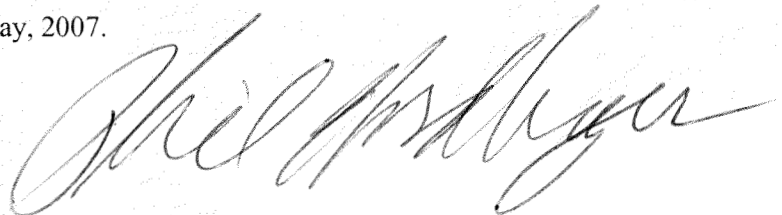
SECTION 4. Funding will be paid through a Tax Exempt Lease Purchase Contract, and is contingent upon the execution of a lease program schedule or other financial obligations.

SECTION 5. Payment not to exceed the budgeted amount is authorized to Freightliner of San Antonio, Ltd. as per the terms of the agreement and should be encumbered with a purchase order.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. This ordinance shall take effect immediately upon passage if adopted by eight (8) affirmative votes; otherwise, this ordinance shall take effect ten (10) days from the date of passage hereof.

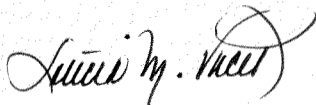
PASSED AND APPROVED this 31st day of May, 2007.



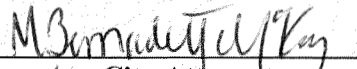
M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney